

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MATTHEW JAMES LINDSAY,

Plaintiff,

v.

DONALD J. TRUMP, *et al.*,

Defendants.

CASE NO. C17-1818-JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

This matter comes before the Court on Plaintiff's motion for reconsideration (Dkt. No. 10) of the Court's order dismissing Plaintiff's complaint without prejudice (Dkt. No. 8). Under the Local Civil Rules, "[m]otions for reconsideration are disfavored." LCR 7(h)(1). "The court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence." *Id.* Plaintiff has not met this standard.

Plaintiff filed his complaint *in forma pauperis*. (Dkt. No. 2.) Pursuant to 28 U.S.C. § 1915(e)(2)(B), the Court reviewed Plaintiff's complaint and determined it failed to state a claim upon which relief could be granted. (Dkt. No. 4.) On December 7, 2017, The Court directed Plaintiff to file an amended complaint within 21 days that fixed the noted deficiencies.

1 (Id.)

2 On December 11, 2017, Plaintiff filed an amended complaint. (Dkt. No. 6.) The Court
3 reviewed the complaint and again determined that it failed to state a claim upon which relief
4 could be granted. (Dkt. No. 8.) Based on Plaintiff's failure to correct the deficiency, the Court
5 dismissed the complaint without prejudice and without leave to amend. (Id.)

6 In his motion for reconsideration, Plaintiff does not demonstrate that the Court committed
7 manifest error, nor provide additional facts or legal authority that would allow the Court to
8 change its decision. Plaintiff cites to Federal Rule of Civil Procedure 60(b)(1) and asserts that the
9 Court "failed to allow the Plaintiff the allotted time to respond as provided in the previous order
10 and failed to fairly interpret the filing on Dec. 11, 2017." (Dkt. No. 10 at 1.) The Court disagrees.
11 Plaintiff filed an amended complaint after the Court directed him to do so. The Court reviewed
12 the amended complaint and, like the initial complaint, determined that Plaintiff failed to state a
13 claim for which relief could be granted. Moreover, nothing in Plaintiff's motion for
14 reconsideration, or in any pleading he has filed, demonstrates that he has a stated a claim upon
15 which relief can be granted.

16 For those reasons, Plaintiff's motion for reconsideration is DENIED. Since the Court has
17 dismissed Plaintiff's complaint without prejudice and closed this case, Plaintiff can only bring
18 his claims by filing a new complaint.

19 DATED this 3rd day of January 2018.

20 William M. McCool
21 Clerk of Court

22 s/Tomas Hernandez
23 Deputy Clerk
24
25
26